

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**GLEN FOLSOM,**

**Petitioner,**

**v.**

**R. BYRD,**

**Respondent.**

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**Case No. CIV-18-904-G**

**ORDER**

Petitioner Glen Folsom, a state prisoner appearing pro se, has filed a petition seeking a writ of habeas corpus (Doc. No. 1) and has applied for leave to proceed *in forma pauperis* (Doc. No. 2). The matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings pursuant to 28 U.S.C. § 636(b)(1)(B). Upon review of the application, Judge Erwin recommended the application be denied because Petitioner had failed to cure deficiencies in his application, including that the Petitioner had failed to supply required financial information, the signature of an authorized officer of Petitioner's penal institution, and a certified copy of Petitioner's institutional account statement. Judge Erwin further recommended that Petitioner's motion requesting other relief (Doc. No. 6) be denied and that the action be dismissed without prejudice to refiling if the required payment is not made within 20 days of an order adopting the Report and Recommendation. Petitioner filed a timely objection to the Report and Recommendation (Doc. No. 11). Having conducted a *de novo* review, the Court concludes the Report and Recommendation should be adopted.

In his objection, Petitioner advises the Court that he has the financial ability to pay the \$5.00 but contends that prison staff will refuse his request to send the payment to the Court. Petitioner is advised that he may show this Order to prison officials as explanation when requesting that the \$5.00 fee be sent to the Clerk of Court from his institutional account.

Accordingly, the Report and Recommendation (Doc. No. 7) is ADOPTED. Petitioner's Application to Proceed *In Forma Pauperis* (Doc. No. 2) and Petitioner's "Motion for Order" (Doc. No. 6) are DENIED. Petitioner is directed to pay the full \$5.00 filing fee within 21 days of the date of entry of this order. Absent such payment, this case will be dismissed without prejudice.

IT IS SO ORDERED this 15th day of November, 2018.

  
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CHARLES B. GOODWIN  
United States District Judge